

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JIMMIE DORTCH,

Petitioner,

Case No. 1:06-CV-796

v.

HON. GORDON J. QUIST

KENNETH McKEE,

Respondent.

ORDER¹
APPROVING REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on Petitioner on November 4, 2009. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C). Therefore the Court will adopt the Report and Recommendation.

THEREFORE, IT IS HEREBY ORDERED that the Report and Recommendation of the Magistrate Judge, filed November 3, 2009, is approved and adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that Petitioner's habeas corpus petition is **DENIED**.

This case is **concluded**.

Dated: December 11, 2009

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE

¹Pursuant to Fed. R. Civ. P. 54(a), this final Order constitutes a "judgment." See Fed. R. Civ. P. 54(a) ("Judgment" as used in these rules includes . . . any order from which an appeal lies."); *Whittington v. Milby*, 928 F.2d 188, 192 n.1 (6th Cir. 1991) ("The distinction between an order and a judgment is not relevant here.").